

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

T. W., A MINOR, BY AND THROUGH	:	
HIS MOTHER AND NATURAL	:	Case No. 1:10-cv-00767
GUARDIAN, TERESA BOOHER,	:	
	:	Judge Spiegel
Plaintiff,	:	
	:	Magistrate Judge Bowman
v.	:	
	:	
CHRIS MONTAVON, et al.,	:	
	:	
Defendants.	:	

**STIPULATED PROTECTIVE ORDER FOR THE
PROTECTION OF CONFIDENTIAL INFORMATION**

Plaintiff T. W. and Defendants Donard Bowling, Kirby Lawson, and Chris Montavon, by and through their undersigned counsel, stipulate that good cause exists for the Court to enter the following protective order ("Stipulated Order"). The Order is made pursuant to Rule 26(c) of the Federal Rules of Civil Procedure to limit the disclosure of discovered information for the protection of third parties and to preserve confidentiality of certain matters. The parties agree to be bound by the restrictions of this Order limiting the use of such information as hereinafter provided from the date that each party signs this order.

Each party signing the Stipulated Order and anyone else who may subscribe to the Stipulated Order agrees as follows:

INFORMATION SUBJECT TO THIS ORDER

1. It is anticipated that some information which is conveyed, disclosed, or otherwise released by DYS to Plaintiff's counsel may include information about the identities of other institutionalized youth, may constitute a security risk, or may include other personal sensitive information to which the public would not ordinarily have access, including, but not limited to

personnel files, that may be protected from disclosure under Fed. Civ. R. 26(c) or other state and federal statutes. The parties stipulate that any information released by DYS to Plaintiff's counsel is protected information, which shall remain confidential;

2. DYS agrees to provide access to records to Plaintiff's Counsel so long as there is an attorney/client relationship with Plaintiff. These records include the following: incident reports, grievances, investigation reports, and other information which DYS consents to release.

3. DYS agrees to provide access to Plaintiff counsel to other records, which include medical records, substance abuse records, mental health records, and education records so long as there is an attorney/client relationship between Plaintiff's counsel and the youth (and parent if required by law) whose records are being requested executes a release for such records.

LIMITATIONS ON THE USE OF CONFIDENTIAL INFORMATION

Information protected by the Stipulated Order may be disclosed only to:

- a. The parties. The parties may not keep copies;
- b. Members of the legal, paralegal, secretarial, and clerical staff of Plaintiff's counsel who are engaged in the preparation for and trial of this action;
- c. The court in which this action is pending and persons associated with it;
- d. Expert consultants, deponents, or witnesses and their staff, but in the case of expert consultants, deponents, or witnesses, disclosure must be limited to what is necessary for the development or understanding of testimony or evidence.
- e. Any person indicated on the face of the document as having written or received such document during the course of his or her employment or

who testifies, prior to the disclosure, to having received or reviewed the document.

- f. Independent litigation support vendors (e.g., jury consultants, document management companies).

If Plaintiff's counsel intends to disclose confidential information to any person described above (other than the Court), counsel for that party shall require, prior to disclosure, that such person first read this Stipulated Order, agree to be bound by its terms, and submit to the authority of this Court for enforcement of this Stipulated Order, and execute the agreement attached hereto as Exhibit A. The signed Agreement shall be maintained by counsel until the conclusion of this action.

The parties agree that once the legal provider closes the file that all documents received from DYS in either paper format or electronically except grievance information for that individual youth client and any protected confidential information (medical, mental health, substance abuse, HIV/AIDS information, education) that was provided pursuant to a properly executed release, will be destroyed.

This Stipulated Order is entered solely for the purpose of protecting the confidentiality of information and facilitating the exchange of records and information between DYS and Plaintiff's counsel. This Protective Order will continue to be binding upon the parties' counsel, including any persons employed by Plaintiff's counsel, who receive records or information from DYS.

Respectfully submitted,

s/David A. Singleton

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Counsel for Defendants

It is hereby ordered.

3/13/2012
Date

Stephanie H. Bowman
United States District Judge
Magistrate

EXHIBIT A

County of _____ :
State of Ohio : ss
:

ACKNOWLEDGMENT AND AGREEMENT TO BE BOUND

I, _____, the undersigned, acknowledge that I have received a copy of the "Stipulated Protective Order for the Protection of Confidential Information" entered in this action, which is attached hereto as Exhibit 1, have read the Stipulated Order, and agree to be bound by all of the provisions in it. I recognize that during my participation in this case, I may have occasion to read or hear matters which are designated as "confidential information." I agree not to disclose any such confidential information to any person not entitled to receive disclosure of same under the provisions of the Stipulated Order, and to use any such confidential information solely in connection with my participation in this case. I also agree to return to counsel for the party that produces, in accordance with the Stipulated Order, any such confidential materials as soon as my participation in this case is concluded.

Name

Subscribed to and sworn before me this ____ day of ____, 20__.

Notary Public

My commission expires: _____